



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE  
CIVIL RIGHTS BUREAU  
LOURDES M. ROSADO, BUREAU CHIEF

October 10, 2017

**VIA ECF**

The Honorable James Orenstein  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *State of New York, et al. v. Donald Trump, et al.*, 17-cv-5228 (NGG) (JO)  
*Batalla Vidal, et al., v. Baran, et al.*, 16-cv-4756 (NGG) (JO)

Dear Judge Orenstein:

Plaintiff States in the above-captioned matter respectfully submit this letter in response to Defendants' objection to the deposition of Gene Hamilton, Counselor to Acting Secretary Duke. (ECF No. 57). Plaintiff States agree with and join in the *Batalla Vidal* Plaintiffs' October 10, 2017 letter in response to Defendants' objection. 16-cv-4756 (ECF No. 79). We respectfully request the Court to apply these arguments, as appropriate, to any other depositions noticed by the State Plaintiffs in this matter.

In addition, Plaintiff States note that the administrative record Defendants' produced on October 6, 2017, (ECF No. 56) is incomplete under 5 U.S.C. Sec. 706. As indicated in our October 3, 2017 letter (ECF No. 49), a complete administrative record comprises all materials that an agency "directly or indirectly considered" in rendering its decision. *See, e.g., Comprehensive Cnty. Dev. Corp. v. Sebelius*, 890 F. Supp. 2d 305, 308 (S.D.N.Y. 2012) (stating administrative record includes materials "that the agency decision-makers directly or indirectly considered"). To date, Defendants have failed to produce a complete administrative record. The States will be prepared to address these deficiencies with the Court at tomorrow's discovery conference.

Respectfully submitted,

/s/Lourdes M. Rosado  
Lourdes M. Rosado, Bureau Chief  
Civil Rights Bureau

Office of the New York State  
Attorney General  
120 Broadway, 23rd Floor  
New York, New York 10271  
[Lourdes.Rosado@ag.ny.gov](mailto:Lourdes.Rosado@ag.ny.gov)  
Tel. (212) 416-8252  
Fax (212) 416-8074

Genevieve C. Nadeau (*pro hac vice*)  
Assistant Attorney General  
Office of the Attorney General of  
Massachusetts  
One Ashburton Place  
Boston, MA 02108  
[genevieve.nadeau@state.ma.us](mailto:genevieve.nadeau@state.ma.us)  
Tel. (617) 727-2200

Colleen M. Melody (*pro hac vice*)  
Civil Rights Unit Chief  
Office of the Attorney General of  
Washington  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
[ColleenM1@atg.wa.gov](mailto:ColleenM1@atg.wa.gov)  
Tel. (206) 464-7744

*Attorneys for Plaintiff States*

cc: Counsel for all parties (by ECF)